

REMARKS

I. Introduction

With the addition of new claim 24, claims 10, 16 to 18, 21, 22, and 24 are pending and being considered in the present application. In view of the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claim 10 under 35 U.S.C. § 103(a)

Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 4,902,400 (“Usami et al.”), U.S. Patent No. 4,472,262 (“Kondo et al.”), and U.S. Patent No. 4,915,814 (“Harada et al.”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons

Claim 10 relates to a sensor element for a gas sensor for determining a concentration of a gas component in a gas mixture. Claim 10 has been amended herein without prejudice to recite the features that *no electrodes are formed between the second solid electrolyte layer and the finely porous diffusion layer coated on the surface of the second electrode*. Support for the amendment may be found, for example, in Figures 3 and 4.

In contrast, Usami et al., which the Examiner alleges discloses the clearance of the present invention, has electrode 12 formed in the above-mentioned space.

None of the secondary references cure this deficiency.

Withdrawal of the rejection is therefore respectfully requested.

III. Rejection of Claims 16 and 17 under 35 U.S.C. § 103(a)

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Usami et al., Kondo et al., Harada et al., and U.S. Patent No. 4,808,293 (“Fukuda et al.”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claims 16 and 17 ultimately depends from claim 10 and it is therefore allowable for essentially the same reasons, since the secondary Fukuda et al. reference does not cure – and

is not asserted to cure – the critical deficiencies of the Usami et al., Kondo et al., and Harada et al. references, as discussed above.

Withdrawal of the rejection is therefore respectfully requested.

IV. Rejection of Claims 18 and 21 under 35 U.S.C. § 103(a)

Claims 18 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Usami et al., Kondo et al., Harada et al., and U.S. Patent No. 4,755,274 (“Mase et al.”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claims 18 and 21 ultimately depend from claim 10 and they are therefore allowable for essentially the same reasons, since the secondary Mase et al. reference does not cure – and is not asserted to cure – the critical deficiencies of the Usami et al., Kondo et al., and Harada et al. references, as discussed above.

Withdrawal of the rejections is therefore respectfully requested.

V. Rejection of Claim 22 under 35 U.S.C. § 103(a)

Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Usami et al., Kondo et al., Harada et al., Fukuda et al., and Mase et al. Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claim 22 ultimately depends from claim 10 and it is therefore allowable for essentially the same reasons, since, as discussed above, none of the Usami et al., Kondo et al., Harada et al., Fukuda et al., and Mase et al. references disclose all of the features of claim 10.

Withdrawal of the rejection is therefore respectfully requested.

VI. New Claim 24

New claim 24 has been added. It is respectfully submitted that new claim 24 adds no new matter and is fully supported by the present application, including the Specification. Since claim 24 depends from claim 10, it is respectfully submitted that new claim 24 is allowable for at least the reasons more fully set forth above with respect to claim 10.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the pending and considered claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

Dated: December 27, 2011

By: /Richard M. Rosati/
Richard M. Rosati (Reg. No. 31,792) for:
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646